UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,694	10/06/2006	Volker Fricke	GB920020081US1	1810

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/552,694	FRICKE ET AL.
	Examiner	Art Unit
	SYED ZAIDI	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *08/22/2006 and 10/06/2005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

3DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102 of this
> title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which
> the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*,

383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a

background for determining obviousness under 35 U.S.C. 103(a) are

summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the
     claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application
     indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner

presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37

CFR 1.56 to point out the inventor and invention dates of each claim that

was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being

unpatentable by, **Satt et al., (**U.S. Publication Number 2004/0248583 A1)

in view of **Gopalakrishnan et al., (**U.S. Publication # 2004/0203968 A1).

Consider claim 1, Satt et al., disclose (Currently Amended) a data

logging method for transferring log data to a server over a wireless network

from a plurality of remote devices **(paragraph 0096 lines 1-7)**, said server

for receiving log data from the plurality of said remote devices, said method

comprising **(paragraph 0105 lines 1-7)** scheduling a transfer period for

transferring log data from a remote device to the server taking into account

the a wireless network signal strength of the remote device for the

scheduled transfer period **(paragraph 0125 lines 1-8)** whereby the

scheduled transfer period does not overlap a time when the an estimated

wireless network strength is too low to transfer the log data **(paragraph 0049 lines 1-8)**; transferring the log data determined by its respective scheduled transfer; selecting a device from the plurality of remote devices **(paragraph 0083 lines 1-10)**; providing a transfer size for log data to be transferred from the selected device; calculating, for the selected device, a transfer period including a start time and an end time to transfer the log data to the server **(paragraph 0119 lines 1-7)**, the calculation using the provided selected device's transfer size and using transfer periods of other devices if known; estimating, for the selected device, wireless network signal strength data for the calculated transfer period **(paragraph 0079 lines 1-10)**; repeating performing, for the selected device**(paragraph 0072 lines 1-8)**, the calculating and estimating steps again if the calculated transfer period overlaps a period of time where the estimated wireless network strength is below a predetermined threshold **(paragraph 0105 lines 1-7)**; storing the calculated transfer period in a schedule **(paragraph 0072 lines 1-7)**; acquiring the an actual transfer size for a first device before transferring the data **(paragraph 0145 lines 1-16)**; recalculating the transfer period for the first device; and recalculating the transfer periods of the other devices if the recalculated transfer period of the first device

effects the transfer periods of the other devices. However, **Satt at al.** fail to

disclose scheduling pattern the recalculated transfer period of the first

device effects the transfer periods of the other devices.

   In the same field of endeavor, **Gopalakrishnan et al.,** clearly discloses

scheduling pattern the calculating **(paragraph 0025 lines 1-8)** transfer

period of the first device effects the transfer periods of the other devices

(paragraph 0017 lines 1-16, paragraph 0023 lines 1-8).

   Therefore, it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to incorporate the disclose

scheduling pattern the calculated transfer period of the first device effects

the transfer periods of the other devices as taught by **Gopalakrishnan et**

al., in the method for the wireless network scheduling performance as

discussed **(paragraph 0013 lines 1-3).**

   Consider claim 13, Satt et al., disclose (Currently Amended) a data

logging system for transferring log data to a server over a wireless network

from a plurality of remote devices **(paragraph 0096 lines 1-7)**, server for

receiving log data from the plurality of said remote devices **(paragraph**

0063 lines 1-16), system comprising: means for scheduling a transfer

period for transferring log data from a remote device to the server taking

into account a wireless network signal strength of the remote device for the

scheduled transfer period whereby the scheduled transfer period does not

overlap a time when an estimated wireless network strength is too low to

transfer the log data **(paragraph 0125 lines 1-10)**; means for transferring

data determined by its respective scheduled transfer period; means for

selecting a device from the plurality of remote devices **(paragraph 0124**

lines 1-8); means for providing a transfer size for data to be transferred

from the selected device **(paragraph 0083 lines 1-8)**; means for

calculating **(paragraph 0145 lines 1-18)**, for the selected device, a transfer

period including a start time and an end time to transfer the log data to the

server **(paragraph 0063 lines 1-15)**, the calculation using the provided

selected device's transfer size and using transfer periods of other devices if

known **(paragraph 0145 lines 10-18)**; means for estimating, for the

selected device, wireless network signal strength data for the calculated

transfer period **(paragraph 0169 lines 1-10)**; means for repeating

performing, for the selected device, the calculating and estimating steps if

the calculated transfer period overlaps a period of time where the estimated

wireless network strength is below a predetermined threshold **(paragraph**

0162 lines 1-5); means for storing the calculated transfer period in a

schedule **(paragraph 0096 lines 1-7)**; means for acquiring an actual

transfer size for a first device before transferring the data **(paragraph 0125**

lines 1-7); means for recalculating the calculated transfer period for the

first device; and means for recalculating the transfer periods of the other

devices if the recalculated transfer period of the first device effects the

transfer periods of the other devices. However, **Satt at al.** fail to disclose

scheduling pattern the recalculated transfer period of the first device effects

the transfer periods of the other devices.

In the same field of endeavor, **Gopalakrishnan et al.,** clearly discloses

disclose scheduling pattern the calculated **(paragraph 0025 lines 1-8)**

transfer period of the first device effects the transfer periods of the other

devices **(paragraph 0017 lines 1-16, paragraph 0023 lines 1-8).**

Therefore, it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to incorporate the disclose

scheduling pattern the recalculated transfer period of the first device effects

the transfer periods of the other devices as taught by **Gopalakrishnan et**

al., in the method for the wireless network scheduling performance as

discussed **(paragraph 0013 lines 1-3).**

Consider claim 14, Satt et al., disclose (Currently Amended) a computer program product for transferring log data to a server over a wireless network from a plurality of remote devices **(paragraph 0096 lines 1-7)**, to a server over a wireless network **(paragraph 0063 lines 1-15)**, computer program product comprising computer readable storage medium having computer readable program code embodied in said medium **(paragraph 0077 lines 1-7)**, the computer readable program code comprising **(paragraph 0074 lines 1-7)**: computer readable program code configured to schedule a transfer period for transferring log data from a device to the server taking into account a wireless network signal strength of the device for the scheduled transfer period whereby the scheduled transfer period does not overlap a time when an estimated wireless network strength is too low to transfer the log data **(paragraph 0125 lines 1-10)**; computer readable program code configured to transfer transferring data determined by its respective scheduled transfer **(paragraph 0077 lines 1-7)**; computer readable program code configured to select a device from the plurality of remote devices **(paragraph 0063 lines 1-7)**; computer readable program code configured to provide providing a transfer size for data to be transferred from the selected device **(paragraph 0063 lines 1-**

7);computer readable program code configured to calculating **(paragraph 0145 lines 1-7)**, for the selected device, a transfer period including a start time and an end time to transfer the log data to the server **(paragraph 0127 lines 1-14)**, the calculation using the device's provided transfer size and using transfer periods of other devices if known **(paragraph 0124 lines 1-8)**; computer readable program code configured to estimate estimating **(paragraph 0158 lines 1-8)**, for the selected device, wireless network signal strength data for the calculated transfer period **(paragraph 0145 lines 1-18)**; computer readable program code configured to repeat for the selected device **(paragraph 0083 lines 1-8)**, the calculating and estimating steps again if the transfer period overlaps a period of time where the estimated wireless network strength is below a predetermined threshold **(paragraph 0162 lines 1-5)**; computer readable program code configured to store the calculated transfer period in a schedule **(paragraph 0142 lines 1-6)**; computer readable program code configured to acquire an actual transfer size for a first device before transferring the data **(paragraph 0063 lines 1-7)**; computer readable program code configured to recalculate the calculated transfer period for the first device **(paragraph 0125 lines 1-10);** and computer readable program code configured to recalculate the transfer

periods of the other devices if the recalculated transfer period of the first

device effects the transfer periods of the other devices. However, **Satt at**

al. fail to disclose computer readable program code configured to

recalculate the transfer periods of the other devices if the calculated

transfer period of the first device effects the transfer periods of the other

devices.

In the same field of endeavor, **Gopalakrishnan et al.,** clearly discloses

computer readable program code configured to calculate the transfer

periods of the other devices if the calculated **(paragraph 0025 lines 1-8)**

transfer period of the first device effects the transfer periods of the other

devices **(paragraph 0017 lines 1-16, paragraph 0023 lines 1-8).**

Therefore, it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to incorporate the computer

readable program code configured to recalculate the transfer periods of the

other devices if the recalculated transfer period of the first device effects

the transfer periods of the other devices as taught by **Gopalakrishnan et**

al., in the method for the wireless network scheduling performance as

discussed **(paragraph 0013 lines 1-3).**

Consider claims 2, and as applied to claim 1, **Satt et al.**, as modified

by **Gopalakrishnan et al.**, clearly discloses the method whenin calculating

the transfer **(paragraph 0117 lines 1-30)** period comprises calculating the

transfer period using the server transfer capacity **(paragraph 0125 lines 1-**

8).

Consider claims 3, and as applied to claim 1, **Satt et al.**, as modified

by **Gopalakrishnan et al.**, clearly estimating using historical server transfer

capacity data **(paragraph 0117 lines 1-30)** from a similar time period

(paragraph 0126 lines 1-8).

Consider claims 4, and as applied to claim 1, **Satt et al.**, as modified

by **Gopalakrishnan et al.** clearly further calculating **(paragraph 0145 lines**

1-18), for the selected device, a second transfer period so that the data

may be downloaded **(paragraph 0125 lines 1-11)**.

Consider claims 5, and as applied to claim 1, **Satt et al.**, as modified

by **Gopalakrishnan et al.**, clearly further alerting the server of, from the

device, wherein, the actual transfer size before or during the transfer

(paragraph 0128 lines 1-3).

Consider claims 6, and as applied to claim 1, **Satt et al.**, as modified

by **Gopalakrishnan et al.**, clearly further comprising storing **(paragraph**

072 lines 1-8), at the server, associated wherein, the server stores wireless

network signal strength for clients with respect to time **(paragraph 0091**

lines 10-27).

    Consider claims 7, and as applied to claim 1,**Satt et al.,** as modified

by **Gopalakrishnan et al.,** further estimating, at the server, the server

makes an estimate of future wireless network signal strength for a

particular client based on the a_signal strength at a previous time

(paragraph 0066 lines 1-8).

    Consider claims 8, and as applied to claim 1,**Satt et al.,** as modified

by **Gopalakrishnan et al.,** further storing, at the server, wherein, the server

stores wireless position data for clients with respect to time and

(paragraph 0072 lines 1-10) of estimating future wireless network signal

strength by estimating future position based on a present position, direction

of travel, and/or speed of travel **(paragraph 0072 lines 1-10)**.

    Consider claims 9, and as applied to claim 1,**Satt et al.,** as modified

by **Gopalakrishnan et al.,.** further the acquiring an actual wireless network

signal strength before transferring the log data **(paragraph 0066 lines 1-**

10) and rescheduling the scheduled transfer period if the actual wireless

network strength is below the predetermined threshold. However, **Satt at**

al. fail to disclose rescheduling the scheduled transfer period if the actual

wireless network strength is below the predetermined threshold.

In the same field of endeavor, **Gopalakrishnan et al.,** clearly

rescheduling the scheduled transfer period if the actual wireless network

strength is below the predetermined threshold **(paragraph 0017 lines 1-16,**

paragraph 0023 lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to incorporate rescheduling the

scheduled transfer period if the actual wireless network strength is below

the predetermined threshold as taught by **Gopalakrishnan et al.,** in the

method for the wireless network scheduling performance as discussed

(paragraph 0013 lines 1-3).

Consider claims 10, and as applied to claim 1,**Satt et al.,** as modified

by **Gopalakrishnan et al.,** further performing the data logging method

wherein the on the devices in a defined priority **(paragraph 0141 lines 1-**

15).

Consider claims 11, and as applied to claim 10, **Satt et al.,** as

modified by **Gopalakrishnan et al.,** further priority **(paragraph 0141 lines**

1-15) is defined by the wireless network signal strength of each an

associated device **(paragraph 0162 lines 1-5)**.

Consider claims 12, and as applied to claim 10, **Satt et al.,** as

modified by **Gopalakrishnan et al.,** further wherein the priority is defined

by a quantity of data to transfer associated with each device **(paragraph**

0164 lines 1-10).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300

or mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from

the Examiner should be directed to Syed Zaidi

whose telephone number is (571) 270-1779. The Examiner can normally

be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, **Nick Corsaro** can be reached on (571) 272-7876.

The fax phone number for the organization where this application or

proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or

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866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/ customer service whose

telephone number is (571) 272-2600.

/Syed Zaidi/

Examiner, Art Unit 2617

/Nick Corsaro/

Supervisory Patent Examiner, Art Unit 4181